

REMARKS

Claims 1-4 and 6-20 are pending in this application. Claims 1, 2 and 3 are independent claims. By this amendment, claims 1, 2, 9 and 16 are amended and claim 5 is canceled without prejudice or disclaimer thereto.

Reconsideration in view of the above amendments and following remarks is respectfully solicited.

Applicant respectfully requests entry of the present Amendment After Final in that the amendments to the claims do not raise any new issues that would require further consideration and/or search. For example, the amendment to independent claims 1 and 2 merely incorporates subject matter from claim 5, which has been canceled, and thus does not raise a new issue that would require further consideration and/or search. Accordingly, entry of these claim amendments and allowance of each of claims 1-4 and 6-20 is earnestly solicited in connection with the present application.

Prosecution Reopened

Prosecution on the merits of the present application has been reopened due to a newly submitted reference JP 64-25136 and the Notice of Allowance mailed May 7, 2004 has been vacated.

Allowable Subject Matter

Applicant gratefully acknowledges the Examiner's indication of allowable subject matter in claims 3 and 4 over the art of record.

The Office Action also indicates that claims 17-20 are objected to as being dependent on a rejected base claim, but would

be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant respectfully submits that for at least the reasons set forth below, all of claims 1-4 and 6-20 are believed allowable and in condition for allowance.

Withdrawal of Claim 5 is Improper

Applicants respectfully submit that the Examiner's decision to withdraw claim 5 is improper and therefore should be reconsidered and withdrawn.

Specifically, applicants submit that according to claims 1 and 2, for example, an ink carriage includes at least two ink heads, such that (a) printing is effected simultaneously at more than one portion on a sheet of recording paper, thereby speeding up the printing, and (b) after first printing is effected to form ink dots, second printing can be effected between each ink dot at high accuracy, thereby attaining high-resolution printing.

On the other hand, an aspect of claim 3, which is allowed, is to improve the accuracy of both (a) and (b) noted above. As such, applicants submit that if claim 3 is properly elected then claim 5 should be likewise properly elected because claim 5 is aimed at improving the accuracy of claims 1 and 2.

As noted above, claim 5 is now incorporated into independent claims 1 and 2. As such, the withdrawal of the subject matter of claim 5 should be withdrawn.

The Claims Define Patentable Subject Matter

The Office Action rejects claims 1, 2, 6 and 10-16 under 35 U.S.C. §102(b) as being anticipated by Japanese Patent No. 64-25136 (hereafter JP '136). This rejection is respectfully traversed.

Applicants respectfully submit that JP '136 fails to teach or suggest each and every feature as set forth in the claimed invention.

Specifically, applicants respectfully submit that JP '136 fails to teach or suggest making high resolution printing possible by providing a plurality of ink holes in one of ink nozzles shifted by half a pitch from a plurality of ink holes in the other ink nozzle as to intervals in at least one of the running direction along the supporting axis and the transportation direction of the recording paper, as set forth in claims 1 and 2. In other words, JP '136 fails to disclose a plurality of ink holes in one of the ink nozzles being shifted by half a pitch from the plurality of ink holes in the other ink nozzle.

According to MPEP §2131, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. Of California*, 814 F.2d 628, 631, 2 USPQ2d 1051 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ...claims." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226,

1236, 9 USPQ2d 1913 (Fed. Cir. 1989). The elements must be arranged as required by the claims, but this is not an *ipsisssimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Applicants respectfully submit that the Office Action has failed to establish the required *prima facie* case of anticipation because the cited reference, JP '136, fails to teach or suggest each and every feature as set forth in the claimed invention.

Applicants respectfully submit that independent claims 1 and 2 are allowable over JP '136 for at least the reasons noted above.

As for each of the dependent claims not particularly discussed above, these claims are also allowable for at least the reasons set forth above regarding their corresponding independent claims, and/or for the further features claimed therein.

Accordingly, withdrawal of the rejection of claims 1, 2, 6 and 10-16 under 35 U.S.C. §102(b) is respectfully solicited.

Conclusion

In view of the foregoing, Applicants respectfully submit that the application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact Carolyn T. Baumgardner (Reg. No. 41,345) at (703) 205-8000 to schedule a Personal Interview.

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Reply to final Office Action of October 1, 2004
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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment from or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17; particularly, the extension of time fees.

Respectfully submitted,

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